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10/791,026

03/01/2004

Wayne Chen

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11/16/2004

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EXAMINER

STAFIRA, MICHAEL PATRICK


ART UNIT

PAPER NUMBER

2877

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--|---------------------------------------|------------------------------------|---|
| <p align="center">Office Action Summary</p> | Application No. 10/791,026 | Applicant(s) CHEN ET AL. | |
| | Examiner Michael P. Stafira | Art Unit 2877 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-75 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 50, 51, 54, 55, 57-60 and 68-73 is/are rejected.
- 7) ☒ Claim(s) 52, 53, 56, 61-67, 74 and 75 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/13/03</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 50-51, 54-55, 57-60, 68-73 are rejected under 35 U.S.C. 102(b) as being anticipated by McKaughan et al. ('129).

Claim 50

McKaughan et al. ('129) discloses supplying radiation to an area of the surface (Fig. 1, Ref. 20); detecting radiation from the anomalies associated with the area of the surface to provide an output corresponding to the area by means of a detector (Fig. 1, Ref. 10 & 12); and analyzing the detector output for anomalies and classifying the anomalies (Col. 10, lines 37-47); wherein the analyzing uses more than one threshold to analyze the detector output and to arrive at least one classification of the anomalies (Col. 6-7, lines 62-35).

Claim 51

The reference of McKaughan et al. ('129) further discloses said analyzing and classifying comprising processing the output with a first threshold (Col. 10, lines 48-63), and classifying the anomalies in a first classification and analyzing the output with a second threshold different from the first threshold (Col. 12, lines 1-6).

Claim 54

McKaughan et al. ('129) discloses characterizing anomalies in the at least one classification as elongated anomalies (Col. 4, lines 52-62)

Claim 55

The reference of McKaughan et al. ('129) further discloses the elongated anomalies include macroscratches and-microscratches (Col. 4, lines 54-56).

Claim 57

McKaughan et al. ('129) further discloses the analyzing is performed by means of a processing system and wherein a first threshold used in analyzing anomalies is the lowest practical threshold of the system (Col. 5, lines 6-38).

Claim 58

The reference of McKaughan et al. ('129) further discloses displaying only anomalies of sizes that result in detector output that exceed the second threshold (See Fig. 4).

Claim 59

McKaughan et al. ('129) discloses displaying only anomalies of sizes that exceed a predetermined value (See Fig. 8).

Claim 60

The reference of McKaughan et al. ('129) further discloses classifying classifies the anomalies by means of their distribution over the surface (See Fig. 8).

Claim 68

McKaughan et al. ('129) discloses supplying comprises directing a beam of radiation along a direction to the surface (See Fig. 1).

Claim 69

The reference of McKaughan et al. ('129) further discloses detecting radiation scattered by the anomalies (See Fig. 1).

Claim 70

McKaughan et al. ('129) detecting radiation scattered by the anomalies along a direction away from a specular reflection direction of the beam by the surface (See Fig. 1).

Claim 71

The reference of McKaughan et al. ('129) further discloses controlling a sample processing parameter in response to the at least one classification (Col. 5, lines 35-38).

Claim 72

McKaughan et al. ('129) discloses supplying radiation to an area of the surface (See Fig. 1); detecting radiation from the anomalies associated with the area of the surface to provide an output corresponding to the area by means of a detector (Fig. 1, Ref. 10 & 12); analyzing the detector output for anomalies and classifying the anomalies (Col. 4, lines 52-62); and providing classification information concerning classification of anomalies of the surface (Col. 10, lines 37-47); wherein the analyzing and classifying analyzes the detector output and uses the

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classification information to arrive at least one classification of the anomalies (Col. 4, lines 52-62).

Claim 73

The reference of McKaughan et al. ('129) further processing the detector output with a first threshold, and classifying the anomalies in a first classification (Col. 10, lines 38-63), and said analyzing and classifying analyzing the output with a second threshold different from the first threshold (Col. 12, lines 1-5).

Allowable Subject Matter

3. Claims 52-53, 56, 61-67, 74-75 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430.

The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael P. Stafira
Primary Examiner
Art Unit 2877

November 15, 2004